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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,102	01/17/2002	Akira Date	500.37453CX2	6770
20457 7590 01/21/2010 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873				
EXAMINER				
WENDMAGEGN, GHRUMSEW				
ART UNIT		PAPER NUMBER		
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01/21/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/047,102

Applicant(s)

DATE ET AL.

Examiner

GIRUMSEW WENDMAGEGN

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11/13/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 4-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4-8, 10-14 and 16-26 is/are rejected.
- 7) ☒ Claim(s) 9, 15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/369,401.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/13/2009 has been entered.

Claim Objections

Claim16 is objected to because of the following informalities: claim 16 and 17 recites "The method as claimed in claim 4..." However claim4 is not a method claim. Appropriate correction is required.

Claim17 is objected to because of the following informalities: claim 16 and 17 recites "The method as claimed in claim 5..." However claim 5 is not a method claim. Appropriate correction is required.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140

F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thornton*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

<u>Claims of Copending application</u> <u>10/192.717</u>	<u>Claims of Instant Application</u> <u>10/047,102</u>
Claim1 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one	Claim1 recites a method for playing back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one
wherein said still picture group management information includes time information and is provided separately from any still picture management information containing management information for each still picture, and said time information of said still picture group management information includes only a first recording time at which the still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest recorded still picture in said still picture group was recorded last by the picture-taking device	wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information including a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device

said procedure comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device;	said method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device;
comparing said predetermined time with said first and last recording times;	comparing said predetermined time with said first and last recording times stored in said still picture group management information;
selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.	selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.
Claim1 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one	Claim4 recites a computer-readable storage medium having computer-readable code thereon executable by an apparatus, for controlling storing of still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one
wherein said still picture group management information includes time information and is provided separately from any still picture management information containing management information for each still picture, and said time information of said still picture group management information includes only a first recording time at which the still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest recorded still picture in said still picture group was recorded last by the picture-taking device	wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a data area for storing time data which specifies time information including a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device
said procedure comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking	wherein when an apparatus for playing back said storage medium receives a predetermined time of interest regarding still

device; comparing said predetermined time with said first and last recording times;	pictures recorded by the picture-taking device, said code enables said apparatus to compare said predetermined time with said first and last recording times stored in said still picture group management information
selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.	and selectively play back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.
Claim3 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively and still picture group management information for managing N separately-stored still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one	Claim5 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to record still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for, managing N still picture data of said N still pictures as a still picture group onto a storage medium, where said N is an integer number equal to or greater than one
wherein said still picture group management information includes time information and is provided separately from any still picture management information containing management information for each still picture and said time information of said still picture group management information includes only a first recording time at which the separately-stored still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the separately-stored still picture data of a latest-recorded still picture in said still picture group was recorded last by the picture-taking device	wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and wherein said procedure comprises the step of recording, within a data area of the still picture group management information for storing time data, time information including only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest-photographed still picture in said still picture group was recorded last by the picture-taking device
said procedure comprising: receiving an entry of a predetermined time of interest regarding a still picture recorded by the picture-taking device,	and enabling the computer to accept entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device,
comparing said predetermined time with said first and last recording times; and selectively	and to selectively play back the still picture data belonging to said still picture group

playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time; wherein each separately-stored still picture data of the N separately-stored still picture data is stored in a separate computer file	satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time stored in said still picture group management information.
Claim7 recites the computer-readable storage medium according to claim 1, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim10 recites the method as claimed in claim 1, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.
Claim7 recites the computer-readable storage medium according to claim 1, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim12 recites the storage medium as claimed in claim 4, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.
Claim9 recites the computer-readable storage medium according to claim 3, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim14 recites the storage medium as claimed in claim 5, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.
Claim15 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one	Claim18 recites method for playing back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one
wherein said still picture group management information is provided separately from any	Wherein said still picture group management information is provided separately from any

still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify the recording times, all of the recording times in said still picture group management information consist of either a first recording time at which the still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a latest recorded still picture in said still picture group was recorded last by the picture-taking device	still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify recording times, all of the recording times still picture group management information consist of only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a last-photographed still picture in said still picture group was recorded last by the picture-taking device
said procedure comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device;	said method comprising: receiving an entry of a predetermined time of interest regarding still pictures recorded by the picture-taking device;
comparing said predetermined time with said first and last recording times; and	comparing said predetermined time with said first and last recording times stored in said still picture group management information; and
selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.	selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.
Claim17 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing N separately-stored still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one	Claim19 recites a computer readable storage medium having computer readable code thereon executable by an apparatus, for controlling storing of still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing said still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than one
wherein said still picture group management	wherein said still picture group management

<p>information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify the recording times, all of the recording times in said still picture group management information consist of either a first recording time at which the separately-stored still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the separately-stored still picture data of a latest-recorded still picture in said still picture group was recorded last by the picture-taking device</p>	<p>information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information has a recording time data which specify recording times, all of the recording times in said still picture group management information consist of only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a last-photographed still picture in said still picture group was recorded last by the picture-taking device</p>
<p>said procedure comprising: receiving an entry of a predetermined time of interest regarding a still picture recorded by the picture-taking device; comparing said predetermined time with said first and last recording times;</p>	<p>wherein when an apparatus for playing back said storage medium receives a predetermined time of interest regarding still pictures recorded by the picture-taking device, said code enables said apparatus to compare said predetermined time with said first and last recording times stored in said still picture group management information</p>
<p>selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time; wherein each separately-stored still picture data of the N separately-stored still picture data is stored in a separate computer file.</p>	<p>selectively play back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.</p>
<p>Claim17 recites a computer-readable storage medium storing thereon a procedure for controlling a computer to play back a storage medium storing still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for managing N separately-stored still picture data of said N still pictures as a still picture group, where N is an integer number equal to or larger than</p>	<p>Claim20 recites a computer readable storage medium storing thereon a procedure for controlling a computer to record still picture data of N still pictures stored in separate N files, respectively, and still picture group management information for, managing N still picture data of said N still pictures as a still picture group onto a storage medium, where N is an integer number equal to or greater</p>

one	than one
wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and said still picture group management information includes a recording time data which specify the recording times, all of the recording times in said still picture group management information consist of either a first recording time at which the separately-stored still picture data of an earliest-recorded still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the separately-stored still picture data of a latest-recorded still picture in said still picture group was recorded last by the picture-taking device	wherein said still picture group management information is provided separately from any still picture management information containing management information for each still picture, and wherein said procedure comprises the step of recording, within a recording time data which specify recording times, time information where all of the recording times in said still picture group management information consist of only a first recording time at which the still picture data of an earliest-photographed still picture in said still picture group was recorded first by a picture-taking device, and a last recording time at which the still picture data of a last-photographed still picture in said still picture group was recorded last by the picture-taking device
said procedure comprising: receiving an entry of a predetermined time of interest regarding a still picture recorded by the picture-taking device; comparing said predetermined time with said first and last recording times;	and enabling the computer to accept entry of a predetermined time of interest regarding still picture recorded by the picture-taking device
selectively playing back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time; wherein each separately-stored still picture data of the N separately-stored still picture data is stored in a separate computer file.	and to selectively play back the still picture data belonging to said still picture group satisfying a condition in which said predetermined time is equal to or later than said first recording time and equal to or earlier than said last recording time.
Claim21 recites the computer-readable storage medium according to claim 15, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim24 recites the method as claimed in claim 18, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.

Claim23 recites the computer-readable storage medium according to claim 17, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim25 recites the storage medium, as claimed in claim 19, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.
Claim23 recites the computer-readable storage medium according to claim 17, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.	Claim26 recites the storage medium, as claimed in claim 20, wherein said storage medium is an optical disk, and wherein any playing back of said still picture group management information and said still picture data from the optical disk is effected using an optical reading device.

Claim1,4-5,10,12,14,18-19, 20,24-26 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1,3,7,7,9,15,17,17,21,23,23 of copending Application No. 10/192,717 respectively. Although the conflicting claims are not identical, they are not patentably distinct from each other because the claims of the copending application anticipate the claims of this application.

Claim6,7,8,21,22,23 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim1,1,3,15,17,17 of copending Application No. 10/192,717.

Regarding claim6, 7, 8,21,22,23, claims of the copending application does not disclose said still picture data is non-movie still picture data, and wherein said still picture group management information is non-movie still picture group management information. However it is old and well known in the art to store non-movie still picture data and non-movie still picture group management information. Therefore official notice is taken.

One of ordinary skill in the art at the time the invention was made would have been motivated to store non-movie still picture data and non-movie still picture group management information such that the user would be able to make editing, creating such as slide show and photo album.

Therefore, the invention as a whole would have been prima facie obvious to one of ordinary skill in the art at the time the invention was made, absent unexpected results to the contrary.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim4,5,7,8,11,12-14, 16-17, 19-20, 22-23, 25-26 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

"In the state of the art, transitory signals are commonplace as a medium for transmitting computer instruction and thus, in the absence of any evidence to the

contrary and give the broadest reasonable interpretation, the scope of a "computer readable medium" covers a signal per se." In order to overcome the 35 U.S.C. 101 rejection, the "computer-readable medium" and "computer program product" should be changed to "non-transitory computer readable medium".

Allowable Subject Matter

Claim 9, 15 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GIRUMSEW WENDMAGEGN whose telephone number is (571)270-1118. The examiner can normally be reached on 7:30-5:00, M-F, all Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tran Thai can be reached on (571)272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Girumsew Wendmagegn/
Examiner, Art Unit 2621

/Thai Tran/

Supervisory Patent Examiner, Art Unit 2621